

**Merit System Board**

**MINUTES OF REGULAR MEETING OF  
THE MERIT SYSTEM BOARD**

**July 14, 2004**

**Ida L. Castro, Chairwoman  
Flavella Branham  
John Currie  
Margaret E.L. Howard  
Robert J. Long**

**JULY 14, 2004**

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A regular meeting of the Merit System Board was held on Wednesday, July 14, 2004, in Trenton, New Jersey.

**PRESENT:** Chairwoman Ida L. Castro, Merit System Board Members, Flavella Branham, John Currie, Margaret E. L. Howard and Robert J. Long; Pamela Ullman, Deputy Attorney General; and Henry Maurer, Director, Division of Merit System Practices and Labor Relations.

In accordance with L.1975, c.231, Chairwoman Ida L. Castro opened the meeting with the following statement:

Notice of this meeting was filed with the Secretary of State and sent to the Trentonian, Trenton Times, Courier-Post and Star Ledger on December 11, 2003, and posted at the Department of Personnel, 3 Station Plaza, Trenton, New Jersey.

All actions were by unanimous vote unless otherwise specified.

**STATE**

The Merit System Board recorded the recommended changes in the State Classification Plan, copies of which are attached hereto and made a part hereof.

**DATE:** June 3, 2004

**TO:** Ida L. Castro, Commissioner  
Department of Personnel

**FROM:** Elizabeth Van Marter, Director  
Human Resource Management

**SUBJECT:** Change in the State Classification Plan

**LAW AND PUBLIC SAFETY**

The Department of Law and Public Safety requests the establishment of an intermittent title for use by the New Jersey State Police.

This title is requested for staff serving on the State of New Jersey's Urban Search and Rescue Team. The team is comprised of various police, fire and emergency medical personnel, who respond to critical incidents such as building collapses, flood rescue and other natural disasters. These functions are currently classified by Temporary Employment Service (TES) titles, which are restricted to a specific number of working hours per fiscal year. However, the demands, working hours and schedules of these seasonal functions are such that the TES designation is no longer appropriate. Staff will exceed this limit before the end of the fiscal year, yet their services are still required.

Intermittent titles are assigned to the non-competitive division of the career service in accordance with Department regulations.

**ADDITION OF INTERMITTENT TITLE**

Effective: 01/24/04

Intermittent Emergency Response Specialist  
X98-\_\_\_\_\_ Non-Competitive \* NL/12

## WITHDRAWAL OF APPEALS

**The following appeals were withdrawn and removed from the hearing calendar:**

**Diane Dent**, Principal Clerk Bookkeeper, Greystone Park Psychiatric Hospital, Department of Human Services, removal.

**Alpheus Okezie**, County Correction Officer, County Jail, County of Burlington, two suspensions.

**James Pitman**, Senior Correction Officer, Bayside State Prison, Department of Corrections, suspension.

**Robert Rehor**, Welfare Interviewer, Economic Opportunity, City of Jersey City, good faith layoff.

**Lorraine Reppart**, Senior Operator Automated Typewriter, College of New Jersey, removal.

## DISMISSAL OF APPEALS – FAILURE TO APPEAR

**The Merit System Board dismissed the following cases without prejudice for failure to appear at the scheduled hearing before the Office of Administrative Law:**

**Brian Bowman**, Custodial Worker, Jersey City School District, removal.

**Preston Kell**, Human Services Assistant, New Lisbon Developmental Center, Department of Human Services, release at the end of the working test period.

**Christine Knox**, Human Services Assistant, New Lisbon Developmental Center, Department of Human Services, removal.

**Nashere Perry**, Human Services Assistant, New Lisbon Developmental Center, Department of Human Services, release at the end of the working test period.

**Iris Phillips**, Senior Mail Clerk, William Paterson University, suspension.

**Kimberly Robbins**, Building Service Worker, County Manor, County of Cumberland, removal.

**SECTION A – HEARING MATTERS**

**A-1 SETTLEMENTS**

In the Matter of Ellis Carter  
New Jersey State Prison  
Suspension

In the Matter of John Countryman  
Department of Treasury  
Removal

In the Matter of Tiron Dash  
Department of Treasury  
Release at the end of the working test period

In the Matter of Mark Dickson  
County of Cumberland  
Release at the end of the working test period

In the Matter of Mark Didonato  
Garden State Reception and Youth Correctional Facility  
Suspension

In the Matter of Joyce Faulks  
Woodbridge Developmental Center  
Department of Human Services  
Suspension

In the Matter of Glendolyn Gibson  
County of Mercer  
Department of Public Safety  
Suspensions

In the Matter of Robert Henry  
County of Gloucester  
Good faith layoff

In the Matter of John Lavook  
City of Newark  
Police Department  
Removal

In the Matter of James A. MacKeown, Jr.  
Bayside State Prison  
Department of Correction  
Suspension

In the Matter of Ritha Mooreoffer  
Division of Youth and Family Services  
Department of Human Services  
Removal

In the Matter of Debra Richetelli-Dargan  
Division of Taxation  
Removal

In the Matter of Nicholas E. Yuhas  
City of Vineland  
Department of Public Safety  
Suspension

**RECOMMENDATION OF THE ADMINISTRATIVE LAW JUDGE IN THE ABOVE CASES – SETTLEMENT**

**ACTION:** The Merit System Board acknowledged the settlements.

**A-2 JOSHUA FAMAKINWA**

Joshua Famakinwa, Human Services Assistant, Hagedorn Gero-Psychiatric Hospital, Department of Human Services, removal effective December 12, 2000, on the charge of physical or mental abuse of a patient, client, resident or employee.

Recommendation of the Administrative Law Judge – Uphold the removal.

**ACTION:** The Merit System Board affirmed the recommendation of the Administrative Law Judge.

**A-3 NOEMIO OLIVEIRA**

Noemio Oliveira, Police Officer, City of Newark, Police Department, two removals effective March 18, 2002, on charges of violation of Police Department rules regarding disobedience of orders.

Recommendation of the Administrative Law Judge – Uphold the removals.

**ACTION:** The Merit System Board affirmed the recommendation of the Administrative Law Judge.

**A-4 ALONZO J. RICE**

Alonzo J. Rice, Custodial Worker, Newark School District, resignation not in good standing effective November 13, 2000 and removal effective January 30, 2001, on charges of job abandonment and other sufficient cause.

Recommendation of the Administrative Law Judge – Uphold the removal. It is noted that the Administrative Law Judge modified the effective date to September 7, 2000.

**ACTION:** The Merit System Board modified the recommendation of the Administrative Law Judge and reversed the removal.

**A-5 EUGENE VERDELL, JR.**

Eugene Verdell, Jr., Residential Living Specialist, Department of Military and Veterans Affairs, removal effective April 18, 2002, on charges of inability to perform duties and violation of Department rules regarding performance.

This matter was previously presented to the Merit System Board at its regular meeting of June 23, 2004.

Recommendation of the Administrative Law Judge – Uphold the removal.

**ACTION:** The Merit System Board modified the recommendation of the Administrative Law Judge to a resignation in good standing.

**A-6 MICHAEL WILSON**

Michael Wilson, Correction Sergeant, Northern State Prison, Department of Corrections, removal effective April 29, 2003, on the charge of actual or attempted theft of state property or equipment or the property of other employees, residents, clients or inmates.

Recommendation of the Administrative Law Judge – Reverse the removal.

**ACTION:** The Merit System Board affirmed the recommendation of the Administrative Law Judge.

**A-7 WILLIAM WILMOUTH**

William Wilmouth, Forest Fire Observer, Department of Environmental Protection, removal effective February 4, 2003, on charges of, *inter alia*, conduct unbecoming a public employee, violation of Department rules regarding work place violence policies and procedures, continual use of obscene language or gestures, actual or attempted and physical abuse.

This matter was previously presented to the Merit System Board at its regular meeting of June 9, 2004.

Recommendation of the Administrative Law Judge – Modify the removal to a six-month suspension.

**ACTION:** The Merit System Board affirmed the recommendation of the Administrative Law Judge, but requires the appellant undergo psychiatric testing to determine fitness for duty prior to his return to work.

**SECTION B – MISCELLANEOUS MATTERS**

**B-1 KELVIN C. BROOKS**

Kelvin C. Brooks, represented by Christopher Morik, Esq., appeals his rejection as a Police Officer candidate by the County of Union and its request to remove his name from the eligible list for Police Officer (S9999D) on the basis of psychological unfitness to perform effectively the duties of the position.

**ACTION:** The Merit System Board directed that this appeal be denied.

**B-2 NATHAN B. LEARY**

Nathan B. Leary appeals his rejection as a County Correction Officer candidate by the County of Essex and its request to remove his name from the eligible list for County Correction Officer (S9999B) on the basis of psychological unfitness to perform effectively the duties of the position.

**ACTION:** The Merit System Board directed that this appeal be denied.

**B-3 MARK J. SCIARRA**

Mark J. Sciarra, represented by Rocco F. Errico, Esq., appeals his rejection as a Police Officer candidate by the City of Hoboken and its request to remove his name from the eligible list for Police Officer (S9999D) on the basis of psychological unfitness to perform effectively the duties of the position.

**ACTION:** The Merit System Board referred the matter for independent psychiatric evaluation.

**B-4 ILIANA BENITEZ**

Iliana Benitez, a Clerk with the Department of the Treasury, appeals the denial of sick leave injury (SLI) benefits.

**ACTION:** The Merit System Board directed that this appeal be granted in part.

**B-5 DHARMESH CHADHA**

Dharmesh Chadha, a Head Procurement Clerk at Ann Klein Forensic Center, Department of Human Services, appeal the denial of sick leave injury (SLI) benefits.

**ACTION:** The Merit System Board directed that this appeal be granted.

**B-6 ILDEFONSO Y. SANCHEZ**

Idefonso Y. Sanchez, an Investigator 2, Taxation, with the Department of the Treasury, appeals the denial of sick leave injury (SLI) benefits.

**ACTION:** The Merit System Board directed that this appeal be denied.

**B-7 ANGEL SANTIAGO**

Angel Santiago, a Communications Operator, Secured Facilities, at Northern State Prison, Department of Corrections, appeals the denial of sick leave injury (SLI) benefits.

**ACTION:** The Merit System Board directed that this appeal be denied.

**B-8 THERESA TEODORI**

Theresa Teodori, Charge Nurse at Ancora Psychiatric Hospital, Department of Human Services, appeals the denial of sick leave injury (SLI) benefits.

**ACTION:** The Merit System Board directed that this appeal be denied.

**B-9 EDWARD CLARKE**

Edward Clarke appeals the removal of his name from the special reemployment list for Sewage Plant Attendant, Bergen County Utilities Authority.

**ACTION:** The Merit System Board directed that this appeal be granted.

**B-10 COMPUTER OPERATOR (M6142D), PASSAIC VALLEY WATER COMMISSION**

The appointing authority's failure to properly dispose of the certification for Computer Operator, while a provisional appointee is serving in the title, has been referred to the Merit System Board for enforcement.

**ACTION:** The Merit System Board ordered the appointing authority to remove the provisional appointee, make an appointment from the certification and pay compliance costs.

**B-11 OMNIBUS OPERATOR (M9161E), CITY OF TRENTON**

The appointing authority's failure to properly dispose of the certification for Omnibus Operator, while two provisional appointees are serving in the title, has been referred to the Merit System Board for enforcement.

**ACTION:** The Merit System Board ordered the appointing authority to remove the provisional appointee, make an appointment from the certification and pay compliance costs.

**B-12 PETRA M. JAMES**

Petra M. James, a Senior Parole Officer with the State Parole Board, represented by David J. Heintjes, Esq., requests a hearing on her 12-day suspension, 30-day suspension, and two removals effective June 4, 2002 and June 14, 2002.

**ACTION:** The Merit System Board denied a hearing on both suspension but granted a hearing on both removals.

**B-13 DONALD HICKS**

The City of Newark (City), represented by David N. Gambert, Assistant Corporation Counsel, petitions the Merit System Board for a stay of its decision in *In the Matter of Donald Hicks* (MSB, decided February 11, 2004), which awarded Hicks \$170,160.14 in gross back pay, pending the outcome of the City's appeal to the Superior Court, Appellate Division.

**ACTION:** The Merit System Board denied the request for a stay.

**B-14 DAVID MARTINEZ**

The City of Jersey City, represented by Anthony DeSalvo, Assistant Corporation Counsel, petitions the Merit System Board for a stay of that part of its decision in *In the Matter of David Martinez* (MSB, decided March 10, 2004) which reinstated David Martinez to his position as a Police Officer, pending the outcome of its appeal to the Superior Court, Appellate Division.

**ACTION:** The Merit System Board denied the request for a stay.

**B-15 PAMELA SITEK**

Pamela Sitek, a Practical Nurse at Runnells Hospital, Union County, represented by Benjamin Benson, Esq., petitions the Merit System Board for interim relief of her immediate suspension, effective May 11, 2004.

**ACTION:** The Merit System Board granted the request for back pay but denied the request for counsel fees.

**B-16 ROBERT STEFANSKI**

Robert Stefanski, represented by Sidney H. Lehmann, Esq., requests reconsideration of the final administrative determination in *In the Matter of Robert Stefanski, Police Lieutenant (PM2612B), Middletown Township* (MSB decided April 10, 2002).

**ACTION:** The Merit System Board granted the request in part.

**B-17 MICHAEL ACOSTA**

The appeal of the Town of West New York of the decision of Selection Services which found that the Town improperly bypassed Michael Acosta on the Police Officer (S9999A), West New York, eligible list, was heard by Administrative Law Judge Edith Klinger (ALJ), who rendered her initial decision on April 30, 2004. At its meeting on June 9, 2004, the Merit System Board (Board), adopted the ALJ's recommendation that Acosta be appointed as a Police Officer. The proposed final decision is now submitted for the Board's review.

**ACTION:** The Merit System Board adopted the final decision.

**B-18 JOSEPH LANIER**

The appeal of Joseph Lanier, a Police Officer with the City of Jersey City, of his suspension and removal on charges, was before Administrative Law Judge Carol I Cohen (ALJ), who rendered her initial decision on May 26, 2004. At its meeting on June 23, 2004, the Merit System Board (Board) adopted the ALJ's recommendation to uphold the appellant's removal. The proposed final decision is now submitted for the Board's review.

**ACTION:** The Merit System Board adopted the final decision.

**B-19 IVORY WARD**

The appeal of Ivory Ward, a Senior Youth Worker with the Department of Military and Veterans Affairs, concerning his removal effective February 9, 2001, on charges, was heard by Administrative Law Judge John Schuster, III (ALJ), who rendered his initial decision on May 17, 2004. At its meeting on June 23, 2004, the Merit System Board (Board) adopted the ALJ's recommendation to modify the removal to a six-month suspension. The proposed decision is now submitted for the Board's review.

**ACTION:** The Merit System Board adopted the final decision.

**B-20 ROLAND K. BAILEY AND NANCY R. WILSON**

Roland K. Bailey and Nancy R. Wilson appeal the decisions of the Division of Selection Services, which found that they did not meet the experience requirements for Cafeteria Manager (PM0122E), Jersey City School District.

**ACTION:** The Merit System Board directed that these appeals be denied.

**B-21 SUEANNE BELLEMARE**

Sueanne Bellemare appeals the determination of the Division of Selection Services, which found that she was below the minimum requirements in experience for the promotional examination for Mechanic Non-Automotive (PS9757K), Woodbine Developmental Center.

**ACTION:** The Merit System Board directed that this appeal be granted.

**B-22 HERMAN BIUNNO**

Herman Biunno appeals the determination of the Division of Selection Services that he did not meet the requirements for the open-competitive examination for Training Officer Law Enforcement (C6983E), County of Essex.

**ACTION:** The Merit System Board directed that this appeal be denied.

**B-23 FLOYD BORDEN**

Floyd Borden appeals the determination of the Division of Selection Services, which found that he was below the minimum requirements in experience for the promotional examination for Administrative Analyst 2 (Data Processing) (PS7072H), Department of Health and Senior Services.

**ACTION:** The Merit System Board directed that this appeal be granted.

**B-24 JOSEPH BOYADJIAN**

Joseph Boyadjian appeals the determination of the Division of Selection Services that he did not meet the experience requirement for the promotional examination for Senior Storekeeper (PC1232E), Bergen County Utilities Authority.

**ACTION:** The Merit System Board directed that this appeal be denied.

**B-25 CLAUDIA CAMPIONE**

Claudia Campione appeals the determination of the Division of Selection Services, which found that she was below the minimum requirements in experience for the promotional examination for Senior Clerk Transcriber (P8652K), Vineland Developmental Center.

**ACTION:** The Merit System Board directed that this appeal be granted.

**B-26 JOSEPH COOK AND CELESTINE THOMPSON**

Joseph Cook and Celestine Thompson appeal the determination of the Division of Selection Services which found that, per the substitution clause for education, they did not meet the experience requirements for the promotional examination for Executive Assistant (PM0273E), City of Atlantic City.

**ACTION:** The Merit System Board directed that these appeals be denied.

**B-27 MICHELE DAVIS**

Michele Davis appeals the determination of the Division of Selection Services, which found that she did not meet the experience requirement for the open competitive examination for Assistant Housing Manager (M0430E), City of Atlantic City.

**ACTION:** The Merit System Board directed that this appeal be denied.

**B-28 JOYCE DEBELLIS AND NORA MIKULSKI**

Joyce DeBellis and Nora Mikulski appeal the determination of the Division of Selection Services that they did not meet the requirements for the promotional examination for Deputy Director of Welfare (Pc0785E), Bergen County Board of Social Services.

**ACTION:** The Merit System Board directed that these appeals be granted.

**B-29 JOSEPH DILLON**

Joseph Dillon appeals the determination of the Division of Selection Services that he did not meet the experience requirements for the promotional examination for Supervisor Parks (PM1260E), Borough of Bergenfield.

**ACTION:** The Merit System Board directed that this appeal be denied.

**B-30 ROBERT FLORA**

Robert Flora appeals the determination of the Division of Selection Services, which found that he was ineligible for the promotional examination for Deputy Fire Chief (PM3577C), Jersey City.

**ACTION:** The Merit System Board directed that this appeal be denied.

**B-31 DENISE K. FLUCK**

Denise K. Fluck appeals the decision of the Division of Selection Services, which found that per the substitution clause for education, she did not meet the experience requirements for the promotional examination for Personnel Assistant (PM0516E), Marlboro Township.

**ACTION:** The Merit System Board directed that this appeal be granted.

**B-32 NURYS M. GARCIA**

Nurys M. Garcia appeals the determination of the Division of Selection Services, which found that she was below the minimum requirements in experience for the promotional examination for Management Specialist (PM0873D), Newark School District.

**ACTION:** The Merit System Board directed that this appeal be denied.

**B-33 RONALD GIBSON**

Ronald Gibson appeals the determination of the Division of Selection Services, which found that he was below the minimum requirements in experience for the promotional examination for Quality Assurance Technician (PS8182K), Ancora Psychiatric Hospital.

**ACTION:** The Merit System Board directed that this appeal be denied.

**B-34 GREGG GILDEN**

Gregg Gilden appeals the determination of the Division of Selection Services which found that he was below the minimum requirements in experience for the promotional examination for Management Assistant (PS7857K), Division of Family Development, Department of Human Services.

**ACTION:** The Merit System Board directed that this appeal be denied.

**B-35 RICHARD HANCOCK**

Richard Hancock appeals the determination of the Division of Selection Services, which found that he was below the minimum requirements in experience for the promotional examination for Network Administrator 1 (PS6809I), Department of Corrections.

**ACTION:** The Merit System Board directed that this appeal be denied

**B-36 SUSAN HENDRIX**

Susan Hendrix appeals the determination of the Division of Selection Services, which found that she did not meet the experience requirement for the open competitive examination for Environmental Health Specialist (C6028E), Ocean County.

**ACTION:** The Merit System Board directed that this appeal be granted.

**B-37 ANDREW HILVERT AND COLLIN MCCLORRY**

Andrew Hilvert and Collin McClorry appeal the determinations of the Division of Selection Services, which found that they were below the minimum requirements in experience for the promotional examination for Truck Driver (PM1271E), Sea Isle City.

**ACTION:** The Merit System Board directed that this appeal be granted.

**B-38 RAE HODGE**

The appointing authority, on behalf of Rae Hodge, appeals the determination of the Division of Selection Services that she did not meet the education and experience requirements for the promotional examination for Coordinator of Records, Rules Promulgation (OAL) (PS0210Y), Office of Administrative Law.

**ACTION:** The Merit System Board directed that this appeal be granted.

**B-39 SONYA L. JACKSON AND DOMINICK C. MANZO**

Sonya L. Jackson and Dominick C. Manzo appeal the decision of the Division of Selection Services, which found that they did not meet the experience requirements for the promotional examination for Field Service Supervisor 1, Family Development (PS7855K), Department of Human Services.

**ACTION:** The Merit System Board directed that these appeals be denied.

**B-40 ROCIO JACOME**

Rocio Jacome appeals the determination of the Division of Selection Services which found that per the substitution clause for education, she did not meet the experience requirement for the open competitive examination for Family Service Worker (Bilingual in Spanish and English) (C0289D), Essex County.

**ACTION:** The Merit System Board directed that this appeal be denied.

**B-41 DIANE JAGT, ET AL.**

Diane Jagt, Georgeann Russo and Carla J. Weiland appeal the determinations of the Division of Selection Services, which found that they did not meet the experience requirements for the promotional examination for Secretarial Assistant 3 (Non-Stenographic), (PS8552J), William Paterson University.

**ACTION:** The Merit System Board directed that these appeals be denied.

**B-42 CHRISTOPHER LANGER, ET AL.**

Christopher Langer, Heriberto Afanador and Yvonne Stratton appeal the determinations of the Division of Selection Services, which found that they were below the minimum requirements in education and/or experience for the open competitive examination for Social Worker 2 (S0172E).

**ACTION:** The Merit System Board granted the appeal of Christopher Langer but denied the appeals of Heriberto Afanador and Yvonne Stratton.

**B-43 HERBERT I. LEWIS AND WILLIAM E. NELSON**

Herbert I. Lewis and William E. Nelson appeal the determination of the Division of Selection Services, which found that they did not meet the experience requirements for the promotional examination for Assistant Chief, Bureau of State Use (PS8535I), Department of Corrections.

**ACTION:** The Merit System Board directed that these appeals be denied.

**B-44 NICOLE LIOTTI AND PATRICIA SHAGAT**

Nicole Liotti and Patricia Shagat appeal the determination of the Division of Selection Services, which found that they were below the minimum requirements in experience for the open competitive examination for Program Specialist, Special Child Health Services (C6139E), Ocean County.

**ACTION:** The Merit System Board directed that these appeals be granted.

**B-45 YAKOV LITOVSKY**

Yakov Litovsky appeals the determinations of the Division of Selection Services, which found that he was below the minimum requirements in education for the open competitive examinations for Test Development Specialist Trainee (S6717E), Department of Personnel and Employment Counselor Trainee (S0225E), Department of Labor.

**ACTION:** The Merit System Board directed that this appeal be denied.

**B-46 LYNN LOFTON**

Lynn Lofton, represented by Sarah A. Evans, Staff Representative, CWA Local 1040, appeals the determination of the Division of Selection Services that she did not meet the requirements for the promotional examination for Assistant Supervisor of Professional Residential Services, Developmental Disabilities (PS6929K), Department of Human Services.

**ACTION:** The Merit System Board directed that this appeal be denied.

**B-47 SHARON MILLER**

The former Executive Director, Atlantic City Housing Authority, on behalf of Sharon Miller, appeals the determination of the Division of Selection Services, which found that, per the substitution clause for education, she did not meet the experience requirements for the promotional examination for Program Analyst (PM0375B), Atlantic City Housing Authority.

**ACTION:** The Merit System Board directed that this appeal be granted.

**B-48 LISA MURPHY**

Lisa Murphy appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she did not meet the experience requirements for the promotional examination for Investigator 3, Taxation (PS8008U), Department of the Treasury.

**ACTION:** The Merit System Board directed that this appeal be denied.

**B-49 ERIN O'BRIEN**

Erin O'Brien appeals the determination of the Division of Selection Services, which found that she did not meet the experience requirement for the open competitive examination for Community Service Officer 3 (S6686E), Department of Community Affairs.

**ACTION:** The Merit System Board directed that this appeal be denied.

**B-50 NICHOLAS OROFINO AND INDIA CALLOWAY**

Nicholas Orofino and India Calloway appeal the determinations of the Division of Selection Services, which found that they were below the minimum requirements in education and/or experience for the open competitive examination for Management Specialist (M6197E), Newark School District.

**ACTION:** The Merit System Board directed that these appeals be denied.

**B-51 KAVITA H. PANJABI AND MATTHEW PERNA**

Kavita H. Panjabi and Matthew Perna appeal the determination of the Division of Selection Services, which found that they did not meet the requirements for the promotional examination for Management Improvement Specialist 1 (PPS7305P), Department of Law and Public Safety.

**ACTION:** The Merit System Board directed that these appeals be denied.

**B-52 DEBBIE PAVLOVSKY**

Debbie Pavlovsky appeals the determination of the Division of Selection Services, which found that she was below the minimum requirements in education and experience for the open competitive examination for Administrative Analyst 1 (S3014E).

**ACTION:** The Merit System Board directed that this appeal be denied.

**B-53 KUL PHOGAT**

Kul Phogat appeals the determination of the Division of Selection Services that he did not meet the requirements for the promotional examination for Assistant Supervisor of Professional Residential Services, Developmental Disabilities (PS6929K), Department of Human Services.

**ACTION:** The Merit System Board directed that this appeal be denied.

**B-54 SUSAN PINGITOR**

Susan Pingitor appeals the determination of the Division of Selection Services, which found that, per the substitution clause for education, she did not meet the experience requirements for the promotional examination for Administrative Assistant 2 (PS7910P), Division of State Police.

**ACTION:** The Merit System Board directed that this appeal be granted.

**B-55 TILLIE M. PURNELL**

Tillie M. Purnell appeals the decision of the Division of Selection Services, which found that she did not meet the education requirements for the open competitive examination for Community Service Worker (C0116D), Essex County.

**ACTION:** The Merit System Board directed that this appeal be granted.

**B-56 STACEY SADLER**

Stacey Sadler appeals the determination of the Division of Selection Services, which found that she was below the minimum requirements in experience for the promotional examination for Senior Clerk Transcriber (PS8205K), Ancora Psychiatric Hospital.

**ACTION:** The Merit System Board directed that this appeal be denied.

**B-57 SAAD SHAFIK**

Saad Shafik appeals the determination of the Division of Selection Services that he failed to meet the license requirement for the open competitive examination for Clinical Laboratory Technician (S9209E), Statewide.

**ACTION:** The Merit System Board directed that this appeal be denied.

**B-58 BEENA SHAH**

Beena Shah appeals the determination of the Division of Selection Services that she did not meet the experience requirements for the promotional examination for Accountant (PC1450E), Morris County.

**ACTION:** The Merit System Board directed that this appeal be denied, but the classification of the appellant's position be referred to the Division of Human Resource Management for further review.

**B-59 PHILIP SHELDON**

Philip Sheldon appeals the determination of the Division of Selection Services, which found that he was below the minimum requirements in experience for the promotional examination for Truck Driver (PM1208D), Borough of Bergenfield.

**ACTION:** The Merit System Board directed that this appeal be granted.

**B-60 GWENDOLYN SIMPSON**

Gwendolyn Simpson appeals the determination of the Division of Selection Services that she did not meet the experience requirements for the open competitive examination for Senior Clerk Bookkeeper (S0234E).

**ACTION:** The Merit System Board directed that this appeal be denied.

**B-61 CRAIG SNEDDON**

Craig Sneddon appeals the determination of the Division of Selection Services, which found that he did not meet the experience requirement for the open competitive examination for Project Coordinator, Construction (C6727D), Ocean County.

**ACTION:** The Merit System Board directed that this appeal be denied.

**B-62 YVONNE THOMAS**

Yvonne Thomas appeals the determination of the Division of Selection Services, which found that she did not meet the experience requirement for the promotional examination for Program Analyst (PC0159E), Mercer County Board of Social Services.

**ACTION:** The Merit System Board directed that this appeal be denied.

**B-63 LINDA VURGANOV**

Linda Vurganov appeals the determination of the Division of Selection Services, which found that she did not meet the experience requirements for the promotional examination for Senior Clerk Transcriber (PS8887K), Vineland Developmental Center East/West Campus.

**ACTION:** The Merit System Board directed that this appeal be denied.

**B-64 KEALOHA WARREN**

Kealoha Warren appeals the determination of the Division of Selection Services that he did not meet the experience requirements for the promotional examination for Coordinator of Maintenance Services (PM0018E), City of Newark.

**ACTION:** The Merit System Board directed that this appeal be granted.

**B-65 SANDRA WILLIAMS**

Sandra Williams appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she did not meet the experience requirements for the promotional examination for Administrative Analyst (PM0825D), Newark.

**ACTION:** The Merit System Board directed that this appeal be denied.

**B-66 DAWN WILLIAMSON-MCBEAN, ET AL.**

Dawn Williamson-McBean, Lori Bonfrisco, and Cheryl Barker appeal the determinations of the Division of Selection Services, which found that they were below the minimum requirements in experience for the title of Training Technician (PC0450E), Camden County Board of Social Services.

**ACTION:** The Merit System Board granted the appeal of Cheryl Barker but denied the appeals of Dawn Williamson-McBean and Lori Bonfrisco.

**B-67 LINDA ZIMMER**

Linda Zimmer appeals the determination of the Division of Selection Services, which found that she did not submit the required transcript for the promotional examination for Accounting Assistant (PS8867K), Senator Hagedorn Center for Geriatrics.

**ACTION:** The Merit System Board directed that this appeal be granted.

**B-68 NANCY BECHTEL**

Nancy Bechtel appeals her score on the promotional examination for Senior Clerk Transcriber (PS8205K), Ancora Psychiatric Hospital.

**ACTION:** The Merit System Board directed that this appeal be denied.

**B-69 DAYNA CORMANEY**

Dayna Cormaney appeals her score on the promotional examination for Quality Assurance Specialist, Health Services (PS8181K), Ancora Psychiatric Hospital.

**ACTION:** The Merit System Board directed that this appeal be denied.

**B-70 DEBORAH COX**

Deborah Cox appeals her score on the promotional examination for Assistant Administrative Supervisor Income Maintenance (PC0769E), Gloucester County.

**ACTION:** The Merit System Board directed that this appeal be denied.

**B-71 ROSALYN GILLIARD**

Rosalyn Gillard appeals her score and rank on the promotional examination for Family Service Supervisor (PC1167C), Essex County.

**ACTION:** The Merit System Board directed that his appeal be denied.

**B-72 THOMAS IANDIORIO**

Thomas Iandiorio appeals his seniority score for the promotional examination for County Police Sergeant (PC2508C), Essex County.

**ACTION:** The Merit System Board directed that this appeal be granted.

**B-73 MARIBEL JAMES**

Maribel James appeals her score on the promotional examination for Technical Assistant Personnel (PM0953C), Newark School District.

**ACTION:** The Merit System Board directed that this appeal be denied.

**B-74 GREGORY MAINES**

Gregory Maines appeals his score for the written teamwork portion of the examination for Fire Fighter (M9999D).

**ACTION:** The Merit System Board directed that this appeal be denied.

**B-75 MIRIAM WALKER**

Miriam Walker appeals her score on the bilingual skills portion of the examination for Customer Service Representative 4 (Bilingual in Spanish and English) (S6579D), State of New Jersey. Appellant failed to achieve the minimum score required for the bilingual variant of the subject title.

**ACTION:** The Merit System Board directed that this appeal be denied.

**B-76 EDWIN ALICEA, ET AL.**

Edwin Alicea, Paul Barrueto, Bazyt Bergus, Kenneth Brock, Brandon Fregans, Robert Haas Jr., Arnold Miller, Heber Pacheco, Vincent Pereira Jr., Anthony Racioppi, Paul Sandrock III, Michael Sobke, Robert Valez, Eric Wojcik and Jason Worthington appeal the administration of the written teamwork portion of the open competitive examination for Fire Fighter (M9999D).

**ACTION:** The Merit System Board directed that these appeals be denied.

**B-77 ARLENE CRYER**

Arlene Cryer appeals the administration of the promotional examination for Supervising Health Care Evaluator (PS7734H), Department of Health and Senior Services.

**ACTION:** The Merit System Board directed that this appeal be denied.

**B-78 SANDRA AULETTO**

Sandra Auletto requests a make-up of the promotional examination for Technical Assistant 2 Treasury (PS7228U), Department of the Treasury.

**ACTION:** The Merit System Board directed that this appeal be denied.

**B-79 ANNAMARIE BATTALIA, ET AL.**

Annamarie Battalia, Linda Bell, Annie Billups, Mary Davison, Linda Gunderman, Anthony Johnson, Miguelina Lebron, Arrthur Lyons, Ruth Nyere, Kara Odom, and Gina Ritchie request make-ups for the promotional examinations for Technical Assistant 2 Treasury (PS7249U) and Technical Assistant 1 Treasury (PS7317U), Department of the Treasury.

**ACTION:** The Merit System Board directed that this appeal be denied.

**B-80 ANTHONY DAVIS**

Anthony Davis requests a make-up of the promotional examination for Project Manager Transportation (PS8731T), Department of Transportation.

**ACTION:** The Merit System Board directed that this appeal be granted in part.

**B-81 JUANA ARANA, ET AL.**

Juana Arana, Reynold Beaton, Carmen Suarez Bess, Joyce Brown, Ukuoma Chukunta, Carol Coope, Celeste Corrin, Miriam Crespo, Olga Cruz, Feliz Garcia, Beverly Jenkins, Ester Jordon, Gldys Key, Pam Kish, Hechter Lemus, Carmen Maldonado, Veronical Manuel, Marianne Presnal, Reinaldo Rodriguez, Gloria Rogolino, James Swindell and Renee Singleton-Williams appeal the validity and administration of the promotional examinations for Human Services Specialist 3 (PC0161C) and Human Services Specialist 3 (Bilingual in Spanish and English), Middlesex County Board of Social Services.

**ACTION:** The Merit System Board directed that these appeals be denied.

**B-82 FRANK ESTRELLA, ET AL.**

Frank Estrella, Christopher Lyons and Joseph Schisani, Fire Lieutenant (PM2569A), Hoboken; Jospeh Cajzer and John Robak, Fire Lieutenant (PM2570A), Passaic; Michael Cianciotto and Daniel Koropchak, Fire Lieutenant (PM2632A) Clifton; John Hayes, Fire Lieutenant (PM25633A) Irvington; Felix Lopez Sr., Herbert Lopez and Shad Murphy, Fire Lieutenant (PM2641A), Bayonne; John Scangarello and Neal Scheck, Fire Captain (PM3592A) Passaic; Robert Hoogmoed Jr., Fire Captain (PM2618A), Clifton; Anthony Calabro and Mark McDermott, Fire Captain (PM3623A), Kearny; and Sergio Barreto, Joseph Caruso, Stephen Chrissakis, James Furong, David LaCarrubba, Luis Morales, Jose Rodriguez, Alfredo Vargas Jr., Richard Wefer and William Willard, Fire Official 1 (PM2508B), North Hudson Regional Fire and Rescue Service, appeal the administration of the written portion of the examination for Fire Captain, Fire Lieutenant, and Fire Officer 1, various jurisdictions.

**ACTION:** The Merit System Board directed that these appeals be denied.

**B-83 WILLIAM FISCHER SR.**

William Fischer Sr., appeals the administration of the promotional examination for Fire Officer 1 (PM2508B), North Hudson Regional Fire and Rescue Service.

**ACTION:** The Merit System Board directed that this appeal be denied.

**B-84 CHRISTOPHER ARCINIEGAS**

Little Egg Harbor Township requests that the provisions of N.J.A.C. 4A:4-7.1A(c) be relaxed in order to process the Intergovernmental Transfer of Christopher Arciniegas from the title of Campus Police Officer, Stockton State College, to the title of Police Officer, Little Egg Harbor Township.

**ACTION:** The Merit System Board directed that this appeal be granted.

**B-85 KEVIN BATES, ET AL.**

Mary E. Hennessy-Shotter, Esq., on behalf of the Town of Harrison, requests that the provisions of N.J.A.C. 4A:4-7.1A(c), be relaxed in order to process the Intergovernmental Transfer of Kevin Bates, John Brown, Michael Gilmore, and Anthony Pacillo from the title Sheriff's Officer, Hudson County to the title of Police Officer, Town of Harrison.

**ACTION:** The Merit System Board directed that this appeal be granted.

**B-86 COUNTY CORRECTION OFFICER, ESSEX COUNTY**

The Director, Office of Intergovernmental Services requests administrative relief in order to facilitate the permanent transfer, as an alternative to layoff, of certain employees who will transfer from the title of County Correction Officer, Essex County Department of Public Safety, to the title of Correction Officer Recruit, New Jersey Department of Corrections.

**ACTION:** The Merit System Board directed that this appeal be granted.

**B-87 EDWARD GARCIA**

The Township of Rockaway requests that the provisions of N.J.A.C. 4A:4-7.1A(c) be relaxed in order to process the Intergovernmental Transfer of Edward Garcia from the title of Campus Police Officer, William Paterson University, to the title of Police Officer, Rockaway Township.

**ACTION:** The Merit System Board directed that his appeal be granted.

**B-88 DAVID OVALLE**

The City of Union City, represented by Mateo Perez, Esq., requests relaxation of the N.J.A.C. 4A:4-7.1A(c) so as to permit the intergovernmental transfer of David Ovalle from the title of Sheriff's Officer, Hudson County Sheriff's Office, to the title of Police Officer, City of Union City.

**ACTION:** The Merit System Board directed that this appeal be granted.

**B-89 JOSEPH MAZZA**

The Township of Saddle Brook requests relaxation of N.J.A.C. 4A:4-7.1A(c) so as to permit the intergovernmental transfer of Joseph Mazza from the title of Sheriff's Officer, Essex County Sheriff's Office, to the title of Police Officer, Township of Saddle Brook.

**ACTION:** The Merit System Board directed that this appeal be granted.

**B-90 KARLEEN DUCA**

Thomas Cross, Personnel Director, Middlesex County, on behalf of Karleen Duca, requests that the provisions of N.J.A.C. 4A:4-2.3(b)(3) be relaxed to accept her late application after the announced closing date for the open competitive examination for Program Development Aide (Community Services) (C6015E), Middlesex County.

**ACTION:** The Merit System Board directed that this appeal be denied.

**B-91 JOHN FLOWERS**

John Flowers requests that the provisions of N.J.A.C. 4A:4-2.6(a)(4) be relaxed to accept his late application postmarked after the announced closing date for Assistant Chief Stationary Engineer (PC0003F), Bergen County.

**ACTION:** The Merit System Board directed that this appeal be granted.

**B-92 ROSEMARIE SPARROW**

Frederick Galdo, County Administrator, Burlington County, on behalf of Rosemarie Sparrow requests that the provisions of N.J.A.C. 4A:4-2.6(a) (4) be relaxed to accept her late application postmarked after the announced closing date for Training Technician (C0422E), Burlington County.

**ACTION:** The Merit System Board directed that this appeal be denied.

**B-93 SOFTWARE DEVELOPMENT SPECIALIST TITLE SERIES**

The Director, Division of Human Resource Management requests that the provisions of N.J.A.C. 4A:4-7.6(c) and N.J.A.C. 4A:4-2.6(a)2 be relaxed, as necessary, to permit admission to examinations for certain incumbents moving into the Software Development Specialist title series without meeting the specified educational requirements.

**ACTION:** The Merit System Board granted the request.

**B-94 DANIEL SOLLITTI**

Daniel Sollitti requests that the list for Police Sergeant (PM2528A), Jersey City be revived and extended in order to effectuate his appointment.

**ACTION:** The Merit System Board granted the request in part.

**B-95 ANTHONY WILKINS**

John K. D'Auria, Personnel Director, City of Newark, appeals the determination of the Division of Human Resource Information Services, which denied his request to permanently appoint Anthony Wilkins from the Sign Maker 2 (M6054O) open competitive employment list.

**ACTION:** The Merit System Board directed that this appeal be denied.

**B-96 WILLIAM MCDONNELL**

William McDonnell appeals the denial of disabled veterans preference on the examination for Veterans Services Officer 3 (S0089D) and his displacement from his provisional Veterans Services Officer 3 appointment at the Department of Military and Veterans Affairs.

**ACTION:** The Merit System Board directed that this appeal be denied.

**B-97 THOMAS SPOSATO**

Thomas Sposato seeks a lump sum payment for asserted out-of-title work performed in an acting capacity between June 2, 2001 and May 2, 2003.

**ACTION:** The Merit System Board directed that his appeal be granted.

**B-98 PROSECUTOR'S AGENTS**

Richard A. Dann, President of the Communications Workers of America, Local 1085, presents a challenge to the Gloucester County Prosecutor's Office appointment of additional Prosecutor's Agents beyond the limit set by the Department of Personnel in *In the Matter of County Prosecutor's Agents* (Merit System Board, decided May 23, 1989).

**ACTION:** The Merit System Board directed that this appeal be denied in part and granted in part.

**B-99 RECENT COURT DECISIONS**

Submitted for the Board's review are copies of decisions as follows: *In the matter of Carl Stanford (Appellate Division, 5/4/04)*; *In the matter of Anthony Woodson, Police Captain (PM3532C), East Orange, (Appellate Division 5/5/04)*; *In the matter of Dennis Delgado, Police Officer (S9999B), City of Camden (Appellate Division 5/14/04)*; *In the matter of Edward Cruz, Jr., County of Hudson (Appellate Division 5/20/04)*; *In the matter of Gregory McDaniel (Appellate Division 5/24/04)*; *In the matter of Robert Osel v. Mid-State Correctional Facility, Department of Corrections (Appellate Division 5/28/04)*. Brief summaries of the cases are provided.

**ACTION:** The Merit System Board noted the decisions.

**B-100 MERIT SYSTEM BOARD MINUTES**

The minutes of the Merit System Board meeting of June 23, 2004 are submitted for adoption.

**ACTION:** The Merit System Board adopted the minutes.

**B-101 CATHY HAMILTON**

Cathy Hamilton appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she was below the minimum requirements in experience for the promotional examination for Administrative Assistant 3 (PS7354G), Department of Environmental Protection.

**ACTION:** The Merit System Board directed that this appeal be granted.

**B-102 STEVEN STRAUSS**

Steven Strauss appeals the determination of the Division of Selection Services, which found him ineligible for the promotional examination for Battalion Fire Chief (PM3567C), Elizabeth.

**ACTION:** The Merit System Board directed that this appeal be granted.

**B-103 EARLY SETTLEMENTS**

Jason Bederka  
North Bergen Municipal Utilities Authority  
Removal

Gregory Brown  
County of Monmouth  
Department of Health Care Facilities  
Removal

George Katseyeanis  
City of Union City  
Department of Public Safety  
Suspension

Tina Smith  
Department of the Treasury  
Release at the end of the working test period

**ACTION:** The Merit System Board acknowledged the settlements.

**There being no further business before the Merit System Board, the meeting was adjourned to convene on Wednesday, August 11, 2004 at 10:00 a.m., at 3 Station Plaza, Trenton, New Jersey.**

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**IDA L. CASTRO  
COMMISSIONER  
MERIT SYSTEM BOARD**